

United States District Court

Eastern District of California

UNITED STATES OF AMERICA
v.
SHERRI ANN HERNDON

AMENDED JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed On or After November 1, 1987)

Case Number: **2:02CR00099-01**

Date of Original Judgment: 12/22/06
(Or Date of Last Amended Judgment)

Tara Allen, Staff Attorney, Federal Defender's
Office

Defendant's Attorney

Reason for Amendment:

- | | |
|---|---|
| <p><input type="checkbox"/> Correction of Sentence on Remand (Fed R. Crim. P. 35(a))</p> <p><input type="checkbox"/> Reduction of Sentence for Changed Circumstances (Fed R. Crim. P. 35(b))</p> <p><input type="checkbox"/> Correction of Sentence by Sentencing Court (Fed. R. Crim P. 35(c))</p> <p><input type="checkbox"/> Correction of Sentence for Clerical Mistake (Fed. R. Crim. P. 36)</p> | <p><input checked="" type="checkbox"/> Modification of Supervision Conditions (18 U.S.C. §3563(c) or 3583(e))</p> <p><input type="checkbox"/> Modification of Imposed Term of Imprisonment for Extraordinary and Compelling Reasons (18 U.S.C. §3582(c)(1))</p> <p><input type="checkbox"/> Modification of Imposed Term of Imprisonment for Retroactive Amendment(s) to the Sentencing Guidelines (18 U.S.C. §3582(c)(2))</p> <p><input type="checkbox"/> Direct Motion to District Court Pursuant to <input type="checkbox"/> 28 U.S.C. §2255</p> <p><input type="checkbox"/> 18 U.S.C. §3559(c)(7), <input type="checkbox"/> Modification of Restitution Order</p> |
|---|---|

THE DEFENDANT:

- ☒ pleaded guilty to count(s): Two of the Information.
- ☐ pleaded nolo contendere to counts(s) ___ which was accepted by the court.
- ☐ was found guilty on count(s) ___ after a plea of not guilty.

ACCORDINGLY, the court has adjudicated that the defendant is guilty of the following offense(s):

| Title & Section | Nature of Offense | Date Offense Concluded | Count Number(s) |
|-----------------|------------------------------|------------------------|-----------------|
| 18 USC 641 | Theft of Government Property | 3/30/01 | Two |

The defendant is sentenced as provided in pages 2 through 4 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- ☐ The defendant has been found not guilty on counts(s) ___ and is discharged as to such count(s).
- ☒ Count(s) One and Three of the Information (is)(are) dismissed on the motion of the United States.
- ☐ Indictment is to be dismissed by District Court on motion of the United States.
- ☒ Appeal rights given. ☐ Appeal rights waived.

IT IS FURTHER ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

7/5/2007

Date of Imposition of Judgment

/s/ John F. Moulds

Signature of Judicial Officer

JOHN F. MOULDS, United States Magistrate Judge

Name & Title of Judicial Officer

August 14, 2007

Date

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PROBATION

The defendant is hereby continued on court probation until 8/22/07, as previously granted on 12/22/2006.

The defendant shall not commit another federal, state or local crime.

STANDARD CONDITIONS OF SUPERVISION

1. The defendant shall obey all laws.
2. The defendant will notify the court or the U.S. Attorney's office within 72 hours of any new arrest.
3. The defendant will notify the court or the U.S. Attorney's office of any change in address.

SPECIAL CONDITIONS OF SUPERVISION

1. The defendant is ordered to pay \$600.00 to the Clerk of Court by 7/26/2007 and payments of \$300 per month in the same manner previously set beginning on 8/20/07.

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CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the Schedule of Payments on Sheet 6.

| | <u>Assessment</u> | <u>Fine</u> | <u>Restitution</u> |
|---------|-------------------|-------------|--------------------|
| Totals: | \$ 25 | \$ 1000 | \$ 10,006.28 |

☐ The determination of restitution is deferred until ____ . An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.

☒ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

| <u>Name of Payee</u> | <u>Total Loss*</u> | <u>Restitution Ordered</u> | <u>Priority or Percentage</u> |
|---|---------------------|----------------------------|-------------------------------|
| Corporation for National Community Service 1201 New York Avenue Northwest 7 th Floor Accounting Attention: Nancy Babe Washington, D.C. 20525 | | | |
| <u>TOTALS:</u> | \$ <u>10,006.28</u> | \$ <u>10,006.28</u> | |

☐ Restitution amount ordered pursuant to plea agreement \$ ____

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☒ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☒ The interest requirement is waived for the ☒ fine ☒ restitution

☐ The interest requirement for the ☐ fine ☐ restitution is modified as follows:

** Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

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SCHEDULE OF PAYMENTS

Payment of the total fine and other criminal monetary penalties shall be due as follows:

- A** ☐ Lump sum payment of \$ ___ due immediately, balance due
- ☐ not later than ___, or
☐ in accordance with ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B** ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C** ☐ Payment in equal ___ (e.g., weekly, monthly, quarterly) installments of \$ ___ over a period of ___ (e.g., months or years), to commence ___ (e.g., 30 or 60 days) after the date of this judgment; or
- D** ☐ Payment in equal ___ (e.g., weekly, monthly, quarterly) installments of \$ ___ over a period of ___ (e.g., months or years), to commence ___ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E** ☐ Payment during the term of supervised release will commence within ___ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F** ☒ Special instructions regarding the payment of criminal monetary penalties: Defendant to make a \$600.00 payment to the Clerk of Court by 7/26/2007 and payments of \$300 per month in the same manner previously set beginning on 8/20/07.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate:

☐ The defendant shall pay the cost of prosecution.

☐ The defendant shall pay the following court cost(s):

☐ The defendant shall forfeit the defendant's interest in the following property to the United States: